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ENGROSSED SUBSTITUTE SENATE BILL 5803

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State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Murray, Haugen, Swecker, Kastama and Kohl-Welles)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to authorizing the creation of regional  
2 transportation commissions; amending RCW 47.80.020, 47.80.060,  
3 81.112.080, 47.56.030, 47.80.040, 82.14.430, 82.80.010, 82.80.030,  
4 82.80.100, 82.80.110, 82.80.120, 81.100.030, 47.56.075, 82.32.470,  
5 82.14.050, 82.80.080, and 81.112.030; reenacting and amending RCW  
6 81.100.060; adding a new section to chapter 47.01 RCW; adding a new  
7 chapter to Title 36 RCW; creating new sections; repealing RCW  
8 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050,  
9 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110,  
10 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170,  
11 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901,  
12 and 82.44.135; and providing an effective date.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 PART I

15 DECLARATION OF POLICY AND PURPOSE

16 NEW SECTION. **Sec. 101.** FINDINGS AND DECLARATION OF POLICY. The  
17 legislature finds that:

1 (1) The absence of unified regional transportation governance,  
2 planning, funding, and prioritization has resulted in a road and  
3 transit system that is inadequate for the current and future needs of  
4 the state, particularly in dense urban regions. There is a severe  
5 strain on regional transportation systems that is clearly noticeable  
6 through several important indicators, including congestion. Continued  
7 population and transportation demand growth has created a looming  
8 regional transportation crisis caused in part by a history of under  
9 funding transportation.

10 (2) The existing approach to transportation governance has left the  
11 state with a struggle to maintain deteriorating transportation  
12 infrastructure, insufficient road and transit capacity, an inconsistent  
13 system for planning and funding transportation, insufficient  
14 cooperation among transportation jurisdictions, and reduced public  
15 confidence in governmental ability to solve transportation problems.

16 (3) An overly localized and insufficient focus on regional needs,  
17 particularly on large and multijurisdictional projects, have caused  
18 costly delays in constructing new transit and highway systems.  
19 Regional transportation projects must be effectively prioritized on a  
20 unified basis, but this has not occurred because there is no regional  
21 governmental entity responsible for prioritizing regional projects  
22 across geographic lines and modes.

23 (4) There is an inadequate connection between transportation  
24 demand, land use planning, and transportation planning, which also  
25 causes costly delays in meeting transportation demand. No governmental  
26 entity views the systemic needs of the entire region, and  
27 prioritization of those needs, as its primary responsibility.

28 (5) The lack of transportation demand/capacity management, pricing  
29 coordination, mass transit, and coordinated transportation governance  
30 is limiting the mobility of both people and goods in the state.

31 (6) Most transit systems were initially developed to provide local  
32 service, but are now forced to play a large role in regional  
33 transportation networks. Effective transportation planning in  
34 urbanized regions requires stronger and clearer lines of responsibility  
35 and accountability. Integrated, multimodal transportation planning and  
36 prioritization will help reduce transportation congestion and improve  
37 security and safety, and that streamlined decision making will help  
38 reduce political congestion.

1 (7) The coordinated planning of, investment in, and operation of  
2 transportation systems will have significant benefit to the citizens of  
3 Washington, and it is the will of the people to fund regional  
4 transportation solutions, including improving transit service in  
5 urbanized areas and among multiple transit agencies. Equity  
6 considerations must be respected, but transportation problems are  
7 broader and deeper than the sum of geographic subareas.

8 (8) Our current system of transportation governance delivers  
9 inadequate results, and requires fundamental systemic change to meet  
10 our state's transportation needs.

11 (9) Accordingly, the policy of the state of Washington is to allow  
12 the formation of regional transportation commissions as regional  
13 transportation governing entities more directly accountable to the  
14 public, to coordinate and prioritize regional transportation planning,  
15 to fund regional mobility projects, and to develop and facilitate the  
16 implementation of integrated regional transportation demand, capacity,  
17 pricing, and operating solutions.

18 **PART II**  
19 **DEFINITIONS**

20 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this  
21 section apply throughout this chapter unless the context clearly  
22 requires otherwise.

23 (1) "Regional transportation commission" or "commission" means a  
24 municipal corporation created under this chapter or the governing body  
25 of commissioners of the municipal corporation.

26 (2) "Component county" means a county included in the jurisdiction  
27 of a regional transportation commission.

28 (3) "Department" means the department of transportation.

29 (4) "Local elected official" means an individual who has been  
30 elected to serve as a mayor, executive, councilmember, or commissioner  
31 for a county, city, town, or port within a regional transportation  
32 commission's geographic area.

33 (5) "Mobility project" means:

34 (a) The design, financing, construction, operation, and maintenance  
35 of a road, street, highway, high-occupancy vehicle lane, ramp, parking

1 facility, vehicle pullout, signal, meter, or other transportation  
2 system management improvement or public transportation facility,  
3 including equipment; or

4 (b) Public transportation, including the transport of passengers,  
5 their incidental baggage, and packages, together with the necessary  
6 passenger terminals and parking facilities or other properties  
7 necessary for passenger and vehicular access to and from these  
8 people-moving systems. Public transportation includes, without  
9 limitation, buses, vans, trolleys, and rail-based transit. Public  
10 transportation does not include personal vehicles, chartered buses,  
11 sightseeing buses, taxicabs regulated under chapter 81.72 RCW, or  
12 similar means of conveyance, or Washington state ferries.

13 (6) "Mobility project of regional significance" means a mobility  
14 project that connects or serves two or more counties or that a  
15 commission otherwise designates as having major significance to  
16 regional transportation. "Mobility project of regional significance"  
17 includes all public transportation of a regional transit authority that  
18 includes more than one county.

19 (7) "Transportation policy board" means a body convened by the  
20 commission under section 304 of this act.

21 (8) "Public transportation agency" means any municipal corporation,  
22 state department or agency, or other entity, instrumentality, or  
23 division, or affiliate that owns or operates public transportation.  
24 "Public transportation agency" includes, without limitation, regional  
25 transit authorities and the department.

26 (9) "Regional mobility investment plan" or "plan" means a regional  
27 mobility investment plan prepared in accordance with section 305 of  
28 this act.

29 **PART III**  
30 **REGIONAL TRANSPORTATION COMMISSION**

31 NEW SECTION. **Sec. 301.** FORMATION AND EXPANSION. (1) A regional  
32 transportation commission must be created in an area within the  
33 complete boundaries of a county with a population greater than one  
34 million five hundred thousand persons and any adjoining counties with  
35 a population greater than two hundred thirty thousand persons.

1 (2) A regional transportation commission must be created by  
2 ordinance of the legislative authorities of the contiguous counties  
3 referenced in subsection (1) of this section such that the governing  
4 body is fully constituted, and the commission is authorized to exercise  
5 the powers granted in section 303 of this act, by January 1, 2009.  
6 However, a commission may not be created before January 1, 2008.

7 (3) A regional transportation commission is a municipal corporation  
8 and possesses all the usual corporate powers as well as all other  
9 powers conferred by statute.

10 (4) A regional transportation commission is an independent taxing  
11 authority within the meaning of Article VII, section 1 of the state  
12 Constitution, and a taxing district within the meaning of Article VII,  
13 section 2 of the state Constitution. However, solely for the purposes  
14 of establishing the regional transportation commission's independent  
15 taxing authority and the taxing district boundaries, the taxing  
16 district shall not include the following geographic area, and the  
17 commission shall not impose or authorize any taxes, fees, tolls, or  
18 charges within the geographic area:

19 (a) Any portion of a county that is located on a peninsula if it is  
20 connected to the other portion of the county by a bridge improved under  
21 chapter 47.46 RCW, and any marine island in that county adjacent to  
22 that peninsula; and

23 (b) The complete boundaries of a county with a population greater  
24 than two hundred thirty thousand, but fewer than five hundred thousand.

25 (5) The state and federal regional planning functions prescribed  
26 under this act must apply throughout the complete boundaries of all the  
27 counties described in subsection (1) of this section.

28 (6) A regional transportation commission may be expanded to include  
29 the complete boundaries of additional contiguous counties, regardless  
30 of population, if the commission and the legislative authority of every  
31 county in the proposed expanded commission adopts a resolution  
32 authorizing the expanded commission. At least sixty days before  
33 adopting a resolution approving expansion, the commission shall adopt  
34 policies governing the expansion process and integration of new  
35 counties into the existing commission. However, only one regional  
36 transportation commission may exist in any county or counties.

1        NEW SECTION.    **Sec. 302.**    GOVERNANCE.    (1) The governing body of a  
2 regional transportation commission consists of twelve nonpartisan  
3 commissioners.

4        (2) Commissioners are apportioned and elected as follows:

5        (a) One commissioner appointed by each county executive of the  
6 component counties, or by the chair of the component county's  
7 legislative authority if the position of county executive is not  
8 applicable, and confirmed by the legislative authority of the  
9 respective component county.    The appointments should include  
10 individuals who have experience in regional transportation issues and  
11 are experienced in the design, construction, operation, maintenance, or  
12 financing of public transportation and mobility projects;

13        (b) Eight commissioners apportioned to eight geographical districts  
14 and elected on a nonpartisan basis.    Each commissioner representing a  
15 district must be a registered voter residing within that district.  
16 Initial apportionment and establishment of district lines must be  
17 determined by the component counties within thirty days of the  
18 formation of a regional transportation commission according to the  
19 requirements in (c) of this subsection.    Subsequent reapportionment and  
20 drawing of district lines must be conducted by the Washington state  
21 redistricting commission during its decennial redistricting operations  
22 under Article II, section 43 of the state Constitution;

23        (c) Each district must contain a population, excluding nonresident  
24 military personnel, as equal as practicable to the population of any  
25 other district.    To a reasonable extent, each district must contain  
26 contiguous territory, be compact and convenient, and be separated from  
27 adjoining districts by natural geographic barriers, artificial  
28 barriers, or political subdivision boundaries.    However, commissioners  
29 may not be apportioned, and districts may not be established, for the  
30 geographic area described in section 301(4) (a) and (b) of this act.

31        (3) Commissioners shall serve six-year terms of office, except that  
32 three of the initially elected commissioners representing a district  
33 shall serve a two-year term of office and three of the initially  
34 elected commissioners representing a district shall serve four-year  
35 terms.    The component counties shall designate which districts have  
36 commissioners that serve two-year, four-year, and six-year terms.    The  
37 first election for commissioners must be held at the general election  
38 following the formation of a commission, consistent with Title 29A RCW.

1 (4) The commissioners shall appoint a chair every three years from  
2 among the commission membership.

3 (5) Vacancies in appointed positions must be filled by appointment  
4 of the county executive representing the county that the vacating  
5 appointee represented, and the appointee filling the vacancy shall  
6 serve for the remainder of the unexpired term of the respective office.  
7 Vacancies in elected positions must be filled by a person approved by  
8 a majority of the remaining commissioners, who shall serve on an  
9 interim basis until the vacancy is filled at the next general election  
10 held more than one hundred eighty days after the date the vacancy is  
11 filled, or for the remainder of the unexpired term of the respective  
12 office, whichever comes sooner. A person elected to fill a vacancy  
13 shall serve for the remainder of the unexpired term of the respective  
14 office.

15 (6) Commissioners may only be removed for malfeasance or  
16 misfeasance in office.

17 NEW SECTION. **Sec. 303.** POWERS AND PURPOSES. A regional  
18 transportation commission shall:

19 (1) Prepare, adopt, and implement a comprehensive and integrated  
20 corridor-based multimodal regional mobility investment plan described  
21 under section 305 of this act that plans, prioritizes, and finances  
22 improvements to highways, streets, roads, and public transportation  
23 that will serve the residents of the region, and amend the plan to meet  
24 changed conditions and requirements. In implementing the plan, or  
25 exercising its authority under this section, the commission may: Levy,  
26 impose, collect, and spend taxes, user fees, tolls, and charges;  
27 receive and spend state, federal, and private funds; and lend and grant  
28 funds to public transportation agencies, cities, counties, other local  
29 governments, and the department for the purposes of planning,  
30 designing, constructing, operating, or maintaining mobility projects,  
31 including, without limitation, public transportation;

32 (2) Consistent with its functions as a regional transportation  
33 planning organization under subsection (7) of this section: Conduct  
34 comprehensive and integrated corridor-based multimodal transportation  
35 planning and prioritization activities that will improve the mobility  
36 of people and goods in the region; reduce transportation congestion,  
37 improve security and safety; coordinate and integrate transportation

1 and land use planning, including multimodal transportation improvements  
2 and strategies that comply with the transportation concurrency  
3 requirements under RCW 36.70A.070(6) and 36.70A.108; improve modal  
4 connectivity; and generally assist in providing an efficient regional  
5 transportation system. The transportation planning and prioritization  
6 activities must provide for, wherever feasible, transportation  
7 demand/capacity management, pricing coordination, mass transit, and  
8 coordinated transportation governance. Corridor planning should  
9 include the full range of strategies available that most efficiently  
10 move people and goods consistent with the region's land use goals  
11 including, without limitation: Demand management tools, such as  
12 congestion pricing, parking pricing, and trip reduction incentives;  
13 high capacity transit expansion; increased local transit; investments  
14 in regionally significant bicycle paths and pedestrian connections; and  
15 expanded roadway capacity;

16 (3) Establish routes and classes of service, fix rates, tolls,  
17 fares, and charges for public transportation services or routes that  
18 constitute public transportation of regional significance;

19 (4) In consultation with local public transportation agencies  
20 operating within the region, establish a program for interconnecting  
21 fares, schedules, and transfers on trips using public transportation  
22 agencies for public transportation or public transportation routes that  
23 constitute public transportation of regional significance, and require  
24 the participation of public transportation agencies in that program.  
25 In developing the program under this subsection (4), the commission  
26 shall develop standards for the coordination of capital investment,  
27 service standards, and service coordination of public transportation  
28 agencies in the region. The goal of these standards is to maximize  
29 coordination within and among systems, use resources more effectively,  
30 and enhance services to the public. The standards must also address  
31 vanpool coordination, fare policies, and transportation demand  
32 management programs;

33 (5) Establish a procedure requiring that bond issues, taxes, user  
34 fees, tolls, or charges that (a) require voter approval, for mobility  
35 projects located within the commission's geographic boundaries and (b)  
36 constitute mobility projects of regional significance, be approved by  
37 the commission before placing those bond or revenue measures on a  
38 ballot for voter approval. Bond issues, property taxes, and excise

1 taxes for mobility projects that do not constitute mobility projects of  
2 regional significance shall not require a commission's approval before  
3 being placed on the ballot;

4 (6) Negotiate with the state and appropriate local jurisdictions to  
5 prioritize all state transportation projects within the commission's  
6 borders and the order in which state transportation funds for mobility  
7 projects within the commission's borders are expended;

8 (7) Serve as the regional transportation planning organization  
9 under chapter 47.80 RCW for the area within the commission's borders  
10 and, if designated or redesignated under federal law, serve as the  
11 metropolitan planning organization for the commission's geographic  
12 area. A commission has all the powers and responsibilities of a  
13 regional transportation planning organization described under chapter  
14 47.80 RCW. The commission is the lead planning agency for planning  
15 under chapter 47.80 RCW unless the commission designates another lead  
16 agency for a specified project. If a commission is fully constituted  
17 and authorized to exercise its powers as prescribed in section 301(2)  
18 of this act within a geographic area that includes an existing regional  
19 transportation planning organization and metropolitan planning  
20 organization, the planning organizations dissolve upon the exercise of  
21 the commission's powers, and all the obligations of the planning  
22 organizations must be transferred to the commission as successor to the  
23 planning organizations. However, the existing metropolitan planning  
24 organization dissolves, and its obligations transfer to the commission  
25 as the successor entity, only if the commission is designated or  
26 redesignated under federal law to serve as the metropolitan planning  
27 organization. The regional transportation planning organization's  
28 powers and responsibilities may be exercised whether the commission has  
29 been designated or redesignated under federal law to serve as the  
30 metropolitan planning organization;

31 (8) Employ or contract with engineering, legal, financial, or other  
32 employees, specialized personnel, or consultants as necessary to  
33 accomplish the purposes of the commission;

34 (9) Exercise all other powers necessary and appropriate to carry  
35 out its responsibilities including, without limitation, the power to  
36 sue and be sued, to enter into contracts, and to acquire, own, and  
37 transfer real and personal property and property rights by lease,  
38 sublease, purchase, or sale. A commission may establish an expert

1 review panel, composed of members with areas of expertise that benefit  
2 the commission, to review, analyze, and make recommendations on any  
3 aspect of a proposed mobility project of regional significance. A  
4 commission may also sell, lease, convey, or otherwise dispose of any  
5 real or personal property or property rights no longer necessary or  
6 desirable for the conduct of the affairs of the commission. However,  
7 unless negotiated and agreed upon by applicable parties, a regional  
8 transportation commission may not own, operate, construct, or maintain  
9 mobility projects or public transportation assets, but shall contract  
10 or otherwise provide for such ownership, operation, construction, or  
11 maintenance to be carried out by other public or private entities;

12 (10) In accordance with section 306 of this act, determine and  
13 establish the tolls and charges for mobility projects of regional  
14 significance within the commission's geographic area. Any  
15 determination and establishment of tolls and charges for bridges,  
16 highways, lanes, roads, and other facilities must be consistent with  
17 tolling policies adopted by the transportation commission;

18 (11) If approved by the governor and necessary local parties under  
19 23 U.S.C. Sec. 134, be the metropolitan planning organization for the  
20 region to promote consistency between transportation improvements and  
21 state and local planned growth and economic development patterns;

22 (12) Establish an incentives-based process of negotiating  
23 cooperative relationships with affected local jurisdictions within the  
24 region in order to promote an efficient, comprehensive, and integrated  
25 corridor-based multimodal regional transportation system;

26 (13) Enter into interlocal agreements or agreements with local  
27 governments, the state, or the federal government regarding the  
28 establishment, composition, and responsibilities of a transportation  
29 policy board under section 304 of this act; and

30 (14) Adopt policies and procedures regarding the reimbursement for  
31 expenses incurred by commissioners for activities related to their work  
32 as commissioners.

33 NEW SECTION. **Sec. 304.** TRANSPORTATION POLICY BOARD. (1) Each  
34 commission shall create a transportation policy board to provide a  
35 forum for state, regional, and local officials, transportation  
36 providers, and private citizens to deliberate issues that affect  
37 transportation planning, prioritization, and funding within the

1 commission's boundaries. The commission shall develop procedures  
2 governing the transportation policy board's duties, procedures, and  
3 formal review of plans and programs.

4 (2) The commission, along with local governments, the state, and  
5 the federal government as required under section 303(13) of this act,  
6 shall jointly determine the composition and responsibilities of the  
7 transportation policy board, including any functions necessary to  
8 comply with federal law as directed by a federal agency. Members  
9 should include local elected officials, representatives of public  
10 transportation agencies, the secretary of transportation or his or her  
11 designee, representatives of private sector transportation and shipping  
12 industries, private citizens, and representatives of major employers  
13 within the region. Members of a commission may also be appointed as  
14 transportation policy board members, and elected commissioners who  
15 serve on a transportation policy board are deemed local elected  
16 officials for the purposes of this section.

17 (3) The transportation policy board shall formally review and  
18 comment on the regional mobility investment plan, the transportation  
19 improvement program prepared to comply with applicable federal law, and  
20 other transportation planning documents relevant to the region before  
21 adoption and implementation by the commission. The transportation  
22 policy board shall hold at least one public hearing in each component  
23 county before issuing formal comments on a transportation improvement  
24 program.

25 (4) If required by a federal agency, the commission may provide  
26 that a transportation improvement program for federal purposes be  
27 approved by the transportation policy board and that the transportation  
28 policy board serve as the policy board of a metropolitan planning  
29 organization under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450. However,  
30 any transportation improvement program shall not be considered adopted  
31 unless it receives final approval from the commission.

32 NEW SECTION. **Sec. 305.** REGIONAL MOBILITY INVESTMENT PLAN. (1)(a)  
33 The commission shall prepare a comprehensive and integrated corridor-  
34 based multimodal regional mobility investment plan for highways and  
35 transit improvements that creates a prioritized list of mobility  
36 projects of regional significance, or local mobility projects if  
37 applicable under subsection (3) of this section, that will be funded in

1 whole or in part by or through the regional transportation commission,  
2 the state, the federal government, or private sources. The plan must  
3 also identify which funding sources, as authorized by this chapter,  
4 will be levied, imposed, or otherwise authorized to carry out the  
5 projects identified in the regional mobility investment plan.

6 (b) Projects in the plan must be evaluated against the following  
7 criteria:

8 (i) Preservation: To maintain, preserve, and extend the life and  
9 utility of prior investments in transportation systems and services;

10 (ii) Safety: To provide for and improve the safety and security of  
11 transportation customers and the transportation system;

12 (iii) Mobility: To improve the predictable movement of goods and  
13 people throughout the region;

14 (iv) Environment: To enhance the region's quality of life through  
15 transportation investments that promote energy conservation, enhance  
16 healthy communities, and protect the environment; and

17 (v) Stewardship: To be effective managers of the regional  
18 transportation system.

19 (2) An initial plan must be placed on a general election ballot for  
20 elector approval. However, before being submitted for elector  
21 approval, the plan must receive unanimous approval of the commission.  
22 If a majority of the electors voting on the plan vote in favor of it,  
23 the commission may implement measures contained in the plan. The  
24 ballot title must reference the regional mobility investment plan.  
25 However, if a regional transportation commission is fully constituted  
26 and authorized to exercise its powers as prescribed in section 301(2)  
27 of this act, after voter approval of a ballot measure under RCW  
28 36.120.070, the commission, without the need for additional voter  
29 approval, shall adopt the regional transportation investment district  
30 voter-approved plan as part of the commission's regional mobility  
31 investment plan. Subject to unanimous approval of the commission, the  
32 commission may submit subsequent plans for voter approval at general or  
33 special elections that the commission determines as appropriate.

34 (3) Municipal corporations within a commission's borders, including  
35 regional transit authorities, may request that the commission  
36 incorporate, in the regional mobility investment plan, any local plans  
37 or proposed mobility projects, or both, together with taxes, user fees,  
38 tolls, and charges to finance those projects. Voter approval of a

1 regional mobility investment plan that includes local plans or proposed  
2 mobility projects, or both, constitutes the necessary voter approval  
3 for (a) the local plans and projects and (b) the levy, imposition, or  
4 authorization of the local taxes, tolls, charges, and user fees by the  
5 municipal corporations. The commission shall establish procedures for  
6 the inclusion of local plans, proposed projects, taxes, and user fees  
7 in the regional mobility investment plan. The commission may decline  
8 to include any local plans, projects, taxes, tolls, charges, or user  
9 fees in the regional mobility investment plan.

10 (4) After a regional mobility investment plan has received voter  
11 approval, a two-thirds majority of the commission may amend any aspect  
12 of the plan including, without limitation, the regional project list  
13 and prioritization of projects included in the plan, and may redirect  
14 the expenditure of taxes, user fees, tolls, and charges. The plan may  
15 also be amended in any respect by a majority vote of the electors of  
16 the commission, if the amendments are proposed to the electors by a  
17 majority of the commission. A local jurisdiction or transit agency  
18 shall not redirect taxes or fees approved by voters as part of a  
19 regional mobility investment plan without the approval of a two-thirds  
20 majority of the commission.

21 (5) Before adoption, approval, or amendment of a regional mobility  
22 investment plan, the commission shall review any recommendations of the  
23 transportation policy board and hold at least one public hearing in  
24 each component county to allow citizens, public agencies, freight  
25 shippers, providers of freight and public transportation services,  
26 representatives of pedestrian walkway and bicycle facility users,  
27 representatives for individuals with disabilities, and agencies for  
28 safety/security operations a reasonable opportunity to be involved in  
29 the transportation planning process.

30 (6) Under no circumstances will cost overruns be the obligation of  
31 the state.

32 NEW SECTION. **Sec. 306.** TAXES, USER FEES, AND TOLLS. (1) A  
33 regional transportation commission may, as part of a regional mobility  
34 investment plan, recommend the imposition or authorization of some or  
35 all of the following revenue sources, which a regional transportation  
36 commission may levy, impose, or authorize if contained in a regional

1 mobility investment plan approved by the electors under section 305 of  
2 this act:

3 (a) A regional sales and use tax, as specified in RCW 82.14.430, of  
4 up to one percent of the selling price, in the case of a sales tax, or  
5 value of the article used, in the case of a use tax, upon the  
6 occurrence of any taxable event in the regional transportation  
7 commission's boundaries;

8 (b) A local option vehicle license fee, as specified under RCW  
9 82.80.100, of up to one hundred dollars per vehicle registered in the  
10 commission's boundaries. As used in this subsection, "vehicle" means  
11 motor vehicle as defined in RCW 46.04.320. Certain classes of  
12 vehicles, as defined under chapter 46.04 RCW, may be exempted from this  
13 fee;

14 (c) A parking tax under RCW 82.80.030;

15 (d) A local motor vehicle excise tax under RCW 81.100.060;

16 (e) A local option fuel tax under RCW 82.80.120;

17 (f) An employer excise tax under RCW 81.100.030; and

18 (g) Vehicle tolls, including corridor tolling, and demand  
19 management charges on mobility projects of regional significance  
20 including, without limitation, state or federal highways within the  
21 boundaries of the commission, if the following conditions are met:

22 (i) The regional mobility investment plan must identify the  
23 facilities that may be tolled;

24 (ii) The tolls must be consistent with tolling policies adopted by  
25 the transportation commission; and

26 (iii) Unless otherwise specified by law or by contract between a  
27 commission and the department, the department shall administer the  
28 collection of vehicle rates, tolls, and charges on designated  
29 facilities, which must, if required by the department, be compatible  
30 with statewide standards and protocols for intermodal and interfacility  
31 charges. For purposes of this section, "vehicle tolls" includes  
32 vehicle user fees imposed for capacity/demand management including, but  
33 not limited to, high-occupancy lane charges, value pricing, and  
34 congestion pricing.

35 (2) Taxes and vehicle license fees described in this section may  
36 not be imposed or authorized without an affirmative vote of the  
37 majority of the voters within the boundaries of the regional  
38 transportation commission voting on a ballot proposition either as part

1 of the voter approval of a regional mobility investment plan under  
2 section 305 of this act or as a separate ballot measure. Vehicle tolls  
3 may be imposed or authorized on any project approved by the commission.  
4 Revenues from taxes, fees, and tolls may be used only to implement a  
5 regional mobility investment plan as set forth in this chapter and to  
6 provide for the commission's costs incurred in carrying out its  
7 responsibilities under this chapter. A commission may contract with  
8 the state department of revenue or other appropriate entities for the  
9 administration and collection of any of the taxes, fees, charges, or  
10 tolls authorized in this section.

11 (3) A commission may impose taxes or fees that are substantially  
12 similar to those previously imposed or levied by a regional transit  
13 authority within the commission's geographic area under chapter 81.104  
14 RCW, only to the extent that the tax or fee does not exceed the  
15 statutory limits prescribed under this section.

16 (4) A commission shall not, unless otherwise negotiated and agreed  
17 upon by applicable parties, directly spend, or otherwise control, a  
18 local jurisdiction's or transit agency's locally imposed funds.

19 (5) The taxes, fees, charges, and tolls collected by a commission  
20 are not subject to utility, business and occupation, or other excise  
21 taxes imposed by municipal corporations located within the commission's  
22 boundaries.

23 NEW SECTION. **Sec. 307.** TREASURER. (1) A regional transportation  
24 commission, by resolution, shall designate a person with experience in  
25 financial or fiscal matters as treasurer of the commission. The  
26 commission may designate the treasurer of any county within which the  
27 commission is located to act as its treasurer. The designated  
28 treasurer has all of the powers, responsibilities, and duties the  
29 county treasurer has related to investing surplus funds. The  
30 commission shall require a bond with a surety company authorized to do  
31 business in this state in an amount and under the terms and conditions  
32 the commission, by resolution, from time to time finds will protect the  
33 commission against loss. The commission shall pay the premium on the  
34 bond.

35 (2) If the treasurer of the commission is also the treasurer of a  
36 county, all commission funds must be deposited with a county depository  
37 under the same restrictions, contracts, and security as provided for

1 county depositories. If the treasurer of the commission is not the  
2 treasurer of a county, all funds must be deposited in a bank or banks  
3 that are public depositories as defined in RCW 39.58.010 and are  
4 qualified for insured deposits under any federal deposit insurance act  
5 as the commission, by resolution, designates, or funds shall be  
6 invested in legal investments for counties.

7 (3) The commission may provide and require a reasonable bond of any  
8 other person handling money or securities of the commission, but the  
9 commission shall pay the premium on the bond.

10 NEW SECTION. **Sec. 308.** PER DIEM COMPENSATION. Each commissioner  
11 may receive compensation equal to the salary applicable to a member of  
12 the legislative authority of the most populous county within the  
13 commission's geographic area. A commissioner may waive all or a  
14 portion of his or her compensation under this section during his or her  
15 term of office, by a written waiver filed with the regional  
16 transportation commission. The compensation provided in this section  
17 is in addition to reimbursement for expenses paid to commissioners by  
18 the regional transportation commission.

19 NEW SECTION. **Sec. 309.** EMPLOYEES, SALARIES, AND BENEFITS. A  
20 regional transportation commission may create and fill positions, fix  
21 reasonable wages and salaries, pay costs involved in hiring employees,  
22 and establish reasonable benefits for employees, including holiday pay,  
23 vacations or vacation pay, retirement benefits, and medical, life,  
24 accident, or health disability insurance, as approved by the  
25 commission.

26 NEW SECTION. **Sec. 310.** EXISTING REGIONAL PLANNING STAFFS. (1) If  
27 a commission is fully constituted and authorized to exercise its powers  
28 as prescribed in section 301(2) of this act in an area with an existing  
29 regional transportation planning organization and metropolitan planning  
30 organization, the commission shall, as a successor employer, initially  
31 hire all employees of the regional transportation planning  
32 organization, and the metropolitan planning organization if the  
33 commission has been designated or redesignated to serve as the  
34 metropolitan planning organization, to continue employment in

1 substantively similar positions and on terms similar to their prior  
2 employment.

3 (2) If a commission is formed in an area with an existing regional  
4 transit agency, the commission shall, as a successor employer,  
5 initially hire all employees of the regional transit agency engaged in  
6 long-range planning, including system plans, to continue employment in  
7 substantively similar positions and on terms similar to their prior  
8 employment.

9 (3) This section does not prevent the dismissal of employees that  
10 is necessary to meet budget constraints or for other reasons in the  
11 ordinary course of business.

12 (4) The combined staff indicated under this section shall work  
13 cooperatively, and in a coordinated fashion, with the administrative  
14 region within the department of transportation established under  
15 section 316 of this act. The commission shall establish a negotiated  
16 process with the department, and other applicable local planning  
17 offices, that ensures the respective agencies are planning for a  
18 comprehensive and integrated corridor-based multimodal regional  
19 transportation system.

20 NEW SECTION. **Sec. 311.** TRANSIT STUDIES. (1) The commission shall  
21 submit to the legislature a report and recommendations regarding  
22 whether integrating or combining public transit agencies in the central  
23 Puget Sound region would facilitate the implementation of a  
24 comprehensive and integrated corridor-based multimodal regional  
25 transportation system. The report and recommendations must be  
26 submitted no later than eighteen months after formation of the  
27 commission.

28 (2) The commission shall submit to the legislature a report and  
29 recommendations regarding the application of regional transportation  
30 governance to waterways and passenger-only ferries in the central Puget  
31 Sound region no later than eighteen months after formation of the  
32 commission.

33 **Sec. 312.** RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each  
34 amended to read as follows:

35 The legislature hereby authorizes creation of regional  
36 transportation planning organizations within the state. Each regional

1 transportation planning organization shall be formed through the  
2 voluntary association of local governments within a county, or within  
3 geographically contiguous counties. Each organization shall:

4 (1) Encompass at least one complete county;

5 (2) Have a population of at least one hundred thousand, or contain  
6 a minimum of three counties; and

7 (3) Have as members all counties within the region, and at least  
8 sixty percent of the cities and towns within the region representing a  
9 minimum of seventy-five percent of the cities' and towns' population.

10 The state department of transportation must verify that each  
11 regional transportation planning organization conforms with the  
12 requirements of this section. If a regional transportation commission  
13 serves as the regional transportation planning organization under  
14 section 303 of this act, it shall be deemed in conformance with the  
15 requirements of this section.

16 In urbanized areas, the regional transportation planning  
17 organization is the same as the metropolitan planning organization  
18 designated for federal transportation planning purposes. If a regional  
19 transportation commission serves as the regional transportation  
20 planning organization under section 303 of this act and if required by  
21 a federal agency, the transportation policy board of the regional  
22 transportation commission may, subject to section 304(4) of this act,  
23 take approval actions required of metropolitan planning organizations  
24 under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450.

25 **Sec. 313.** RCW 47.80.060 and 2005 c 334 s 1 are each amended to  
26 read as follows:

27 In order to qualify for state planning funds available to regional  
28 transportation planning organizations, the regional transportation  
29 planning organizations containing any county with a population in  
30 excess of one million shall provide voting membership on its executive  
31 board to the state transportation commission, the state department of  
32 transportation, and the four largest public port districts within the  
33 region as determined by gross operating revenues. It shall further  
34 assure that at least fifty percent of the county and city local elected  
35 officials who serve on the executive board also serve on transit agency  
36 boards or on a regional transit authority. This section does not apply

1 to a regional transportation commission that serves as a regional  
2 transportation planning organization under section 303 of this act.

3 **Sec. 314.** RCW 81.112.080 and 1992 c 101 s 8 are each amended to  
4 read as follows:

5 An authority shall have the following powers in addition to the  
6 general powers granted by this chapter:

7 (1) To carry out the planning processes set forth in RCW  
8 81.104.100. If an authority is located in the geographic area of a  
9 regional transportation commission created under section 301 of this  
10 act, the regional transportation commission shall carry out the  
11 planning process set forth in RCW 81.104.100;

12 (2) To acquire by purchase, condemnation, gift, or grant and to  
13 lease, construct, add to, improve, replace, repair, maintain, operate,  
14 and regulate the use of high capacity transportation facilities and  
15 properties within authority boundaries including surface, underground,  
16 or overhead railways, tramways, busways, buses, bus sets, entrained and  
17 linked buses, ferries, or other means of local transportation except  
18 taxis, and including escalators, moving sidewalks, personal rapid  
19 transit systems or other people-moving systems, passenger terminal and  
20 parking facilities and properties, and such other facilities and  
21 properties as may be necessary for passenger, vehicular, and vessel  
22 access to and from such people-moving systems, terminal and parking  
23 facilities and properties, together with all lands, rights of way,  
24 property, equipment, and accessories necessary for such high capacity  
25 transportation systems. When developing specifications for high  
26 capacity transportation system operating equipment, an authority shall  
27 take into account efforts to establish or sustain a domestic  
28 manufacturing capacity for such equipment. The right of eminent domain  
29 shall be exercised by an authority in the same manner and by the same  
30 procedure as or may be provided by law for cities of the first class,  
31 except insofar as such laws may be inconsistent with the provisions of  
32 this chapter. Public transportation facilities and properties which  
33 are owned by any city, county, county transportation authority, public  
34 transportation benefit area, or metropolitan municipal corporation may  
35 be acquired or used by an authority only with the consent of the agency  
36 owning such facilities. Such agencies are hereby authorized to convey

1 or lease such facilities to an authority or to contract for their joint  
2 use on such terms as may be fixed by agreement between the agency and  
3 the authority((-

4 ~~The facilities and properties of an authority whose vehicles will~~  
5 ~~operate primarily within the rights of way of public streets, roads, or~~  
6 ~~highways, may be acquired, developed, and operated without the corridor~~  
7 ~~and design hearings that are required by RCW 35.58.273 for mass transit~~  
8 ~~facilities operating on a separate right of way));~~

9 (3) To dispose of any real or personal property acquired in  
10 connection with any authority function and that is no longer required  
11 for the purposes of the authority, in the same manner as provided for  
12 cities of the first class. When an authority determines that a  
13 facility or any part thereof that has been acquired from any public  
14 agency without compensation is no longer required for authority  
15 purposes, but is required by the agency from which it was acquired, the  
16 authority shall by resolution transfer it to such agency;

17 (4) To fix rates, tolls, fares, and charges for the use of such  
18 facilities and to establish various routes and classes of service,  
19 subject to approval by and coordination with a regional transportation  
20 commission under section 303 of this act. Fares or charges may be  
21 adjusted or eliminated for any distinguishable class of users.

22 **Sec. 315.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to  
23 read as follows:

24 (1) Except as permitted under chapter 47.46 RCW or sections 301  
25 through 305 of this act:

26 (a) The department of transportation shall have full charge of the  
27 construction of all toll bridges and other toll facilities including  
28 the Washington state ferries, and the operation and maintenance  
29 thereof.

30 (b) The transportation commission shall determine and establish the  
31 tolls and charges thereon, and shall perform all duties and exercise  
32 all powers relating to the financing, refinancing, and fiscal  
33 management of all toll bridges and other toll facilities including the  
34 Washington state ferries, and bonded indebtedness in the manner  
35 provided by law.

36 (c) The department shall have full charge of design of all toll  
37 facilities.

1 (d) Except as provided in this section, the department shall  
2 proceed with the construction of such toll bridges and other facilities  
3 and the approaches thereto by contract in the manner of state highway  
4 construction immediately upon there being made available funds for such  
5 work and shall prosecute such work to completion as rapidly as  
6 practicable. The department is authorized to negotiate contracts for  
7 any amount without bid under (d)(i) and (ii) of this subsection:

8 (i) Emergency contracts, in order to make repairs to ferries or  
9 ferry terminal facilities or removal of such facilities whenever  
10 continued use of ferries or ferry terminal facilities constitutes a  
11 real or immediate danger to the traveling public or precludes prudent  
12 use of such ferries or facilities; and

13 (ii) Single source contracts for vessel dry dockings, when there is  
14 clearly and legitimately only one available bidder to conduct dry dock-  
15 related work for a specific class or classes of vessels. The contracts  
16 may be entered into for a single vessel dry docking or for multiple  
17 vessel dry dockings for a period not to exceed two years.

18 (2) The department shall proceed with the procurement of materials,  
19 supplies, services, and equipment needed for the support, maintenance,  
20 and use of a ferry, ferry terminal, or other facility operated by  
21 Washington state ferries, in accordance with chapter 43.19 RCW except  
22 as follows:

23 (a) Except as provided in (d) of this subsection, when the  
24 secretary of the department of transportation determines in writing  
25 that the use of invitation for bid is either not practicable or not  
26 advantageous to the state and it may be necessary to make competitive  
27 evaluations, including technical or performance evaluations among  
28 acceptable proposals to complete the contract award, a contract may be  
29 entered into by use of a competitive sealed proposals method, and a  
30 formal request for proposals solicitation. Such formal request for  
31 proposals solicitation shall include a functional description of the  
32 needs and requirements of the state and the significant factors.

33 (b) When purchases are made through a formal request for proposals  
34 solicitation the contract shall be awarded to the responsible proposer  
35 whose competitive sealed proposal is determined in writing to be the  
36 most advantageous to the state taking into consideration price and  
37 other evaluation factors set forth in the request for proposals. No  
38 significant factors may be used in evaluating a proposal that are not

1 specified in the request for proposals. Factors that may be considered  
2 in evaluating proposals include but are not limited to: Price;  
3 maintainability; reliability; commonality; performance levels; life  
4 cycle cost if applicable under this section; cost of transportation or  
5 delivery; delivery schedule offered; installation cost; cost of spare  
6 parts; availability of parts and service offered; and the following:

7 (i) The ability, capacity, and skill of the proposer to perform the  
8 contract or provide the service required;

9 (ii) The character, integrity, reputation, judgment, experience,  
10 and efficiency of the proposer;

11 (iii) Whether the proposer can perform the contract within the time  
12 specified;

13 (iv) The quality of performance of previous contracts or services;

14 (v) The previous and existing compliance by the proposer with laws  
15 relating to the contract or services;

16 (vi) Objective, measurable criteria defined in the request for  
17 proposal. These criteria may include but are not limited to items such  
18 as discounts, delivery costs, maintenance services costs, installation  
19 costs, and transportation costs; and

20 (vii) Such other information as may be secured having a bearing on  
21 the decision to award the contract.

22 (c) When purchases are made through a request for proposal process,  
23 proposals received shall be evaluated based on the evaluation factors  
24 set forth in the request for proposal. When issuing a request for  
25 proposal for the procurement of propulsion equipment or systems that  
26 include an engine, the request for proposal must specify the use of a  
27 life cycle cost analysis that includes an evaluation of fuel  
28 efficiency. When a life cycle cost analysis is used, the life cycle  
29 cost of a proposal shall be given at least the same relative importance  
30 as the initial price element specified in the request of proposal  
31 documents. The department may reject any and all proposals received.  
32 If the proposals are not rejected, the award shall be made to the  
33 proposer whose proposal is most advantageous to the department,  
34 considering price and the other evaluation factors set forth in the  
35 request for proposal.

36 (d) If the department is procuring large equipment or systems  
37 (e.g., electrical, propulsion) needed for the support, maintenance, and  
38 use of a ferry operated by Washington state ferries, the department

1 shall proceed with a formal request for proposal solicitation under  
2 this subsection (2) without a determination of necessity by the  
3 secretary.

4 NEW SECTION. **Sec. 316.** A new section is added to chapter 47.01  
5 RCW to read as follows:

6 (1) The secretary shall reorganize the department's existing  
7 administrative regions such that one administrative region is dedicated  
8 solely to supporting King, Pierce, and Snohomish counties.

9 (2) If a regional transportation commission is formed under section  
10 301 of this act, and in accordance with section 310 of this act, the  
11 department's administrative region established under this section shall  
12 work cooperatively, and in a coordinated fashion, with the planning  
13 staff employed by the regional transportation commission.  
14 Additionally, the department shall participate in the negotiated  
15 planning process provided under section 310 of this act.

16 **Sec. 317.** RCW 47.80.040 and 2003 c 351 s 1 are each amended to  
17 read as follows:

18 Each regional transportation planning organization shall create a  
19 transportation policy board. Transportation policy boards shall  
20 provide policy advice to the regional transportation planning  
21 organization and shall allow representatives of major employers within  
22 the region, the department of transportation, transit districts, port  
23 districts, and member cities, towns, and counties within the region to  
24 participate in policy making. Any members of the house of  
25 representatives or the state senate whose districts are wholly or  
26 partly within the boundaries of the regional transportation planning  
27 organization are considered ex officio, nonvoting policy board members  
28 of the regional transportation planning organization. This does not  
29 preclude legislators from becoming full-time, voting board members.  
30 This section does not apply to a regional transportation commission  
31 that serves as a regional transportation planning organization under  
32 section 303 of this act.

33 **PART IV**  
34 **ADDITIONAL TAXING AND TOLLING AUTHORITY**

1           **Sec. 401.** RCW 82.14.430 and 2006 c 311 s 17 are each amended to  
2 read as follows:

3           (1) If approved by the majority of the voters within its boundaries  
4 voting on the ballot proposition for a regional mobility investment  
5 plan or regional transportation investment district, a regional  
6 transportation commission or regional transportation investment  
7 district may impose a sales and use tax of up to one percent of the  
8 selling price or value of the article used in the case of a use tax, if  
9 imposed by a regional transportation commission, and up to 0.1 percent  
10 of the selling price or value of the article used in the case of a use  
11 tax, if imposed by a regional transportation investment district. The  
12 tax authorized by this section is in addition to the tax authorized by  
13 RCW 82.14.030 and must be collected from those persons who are taxable  
14 by the state under chapters 82.08 and 82.12 RCW upon the occurrence of  
15 any taxable event within the taxing district. Motor vehicles are  
16 exempt from the sales and use tax imposed under this subsection.

17           (2) If approved by the majority of the voters within its boundaries  
18 voting on the ballot proposition, a regional transportation commission  
19 or regional transportation investment district may impose a tax on the  
20 use of a motor vehicle within a regional transportation commission or  
21 regional transportation investment district. The tax applies to those  
22 persons who reside within the regional transportation commission or  
23 regional transportation investment district. The rate of the tax may  
24 not exceed one percent of the value of the motor vehicle, in the case  
25 of a regional transportation commission, or 0.1 percent of the value of  
26 the motor vehicle, in the case of a regional transportation investment  
27 district. The tax authorized by this subsection is in addition to the  
28 tax authorized under RCW 82.14.030 and must be imposed and collected at  
29 the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes  
30 place. ~~((All revenue received under this subsection must be deposited~~  
31 ~~in the local sales and use tax account and distributed to the regional~~  
32 ~~transportation investment district according to RCW 82.14.050.)) The  
33 following provisions apply to the use tax in this subsection:~~

34           (a) Where persons are taxable under chapter 82.08 RCW, the seller  
35 shall collect the use tax from the buyer using the collection  
36 provisions of RCW 82.08.050.

37           (b) Where persons are taxable under chapter 82.12 RCW, the use tax  
38 must be collected using the provisions of RCW 82.12.045.

1 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but  
2 does not include farm tractors or farm vehicles as defined in RCW  
3 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in  
4 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

5 (d) "Person" has the meaning given in RCW 82.04.030.

6 (e) The value of a motor vehicle must be determined under RCW  
7 82.12.010.

8 (f) Except as specifically stated in this subsection (2), chapters  
9 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax  
10 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW  
11 applies fully to the use tax.

12 (3) In addition to fulfilling the notice requirements under RCW  
13 82.14.055(1), and unless waived by the department, a regional  
14 transportation commission or regional transportation investment  
15 district shall provide the department of revenue with digital mapping  
16 and legal descriptions of areas in which the tax will be collected.

17 (4) All revenue received under this section must be deposited in  
18 the local sales and use tax account and distributed to the regional  
19 transportation commission or regional transportation investment  
20 district according to RCW 82.14.050.

21 **Sec. 402.** RCW 82.80.010 and 2003 c 350 s 1 are each amended to  
22 read as follows:

23 (1) For purposes of this section:

24 (a) "Distributor" means every person who imports, refines,  
25 manufactures, produces, or compounds motor vehicle fuel and special  
26 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells  
27 or distributes the fuel into a county;

28 (b) "Person" has the same meaning as in RCW 82.04.030.

29 (2) Subject to the conditions of this section, any county may levy,  
30 by approval of its legislative body and a majority of the registered  
31 voters of the county voting on the proposition at a general or special  
32 election, additional excise taxes equal to ten percent of the statewide  
33 motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor  
34 vehicle fuel as defined in RCW 82.36.010 and on each gallon of special  
35 fuel as defined in RCW 82.38.020 sold within the boundaries of the  
36 county. Vehicles paying an annual license fee under RCW 82.38.075 are  
37 exempt from the county fuel excise tax. An election held under this

1 section must be held not more than twelve months before the date on  
2 which the proposed tax is to be levied. The ballot setting forth the  
3 proposition shall state the tax rate that is proposed. The county's  
4 authority to levy additional excise taxes under this section includes  
5 the incorporated and unincorporated areas of the county. The  
6 additional excise taxes are subject to the same exceptions and rights  
7 of refund as applicable to other motor vehicle fuel and special fuel  
8 excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed  
9 tax shall not be levied less than one month from the date the election  
10 results are certified by the county election officer. The commencement  
11 date for the levy of any tax under this section shall be the first day  
12 of January, April, July, or October.

13 (3) The local option motor vehicle fuel tax on each gallon of motor  
14 vehicle fuel and on each gallon of special fuel is imposed upon the  
15 distributor of the fuel.

16 (4) A taxable event for the purposes of this section occurs upon  
17 the first distribution of the fuel within the boundaries of a county to  
18 a retail outlet, bulk fuel user, or ultimate user of the fuel.

19 (5) All administrative provisions in chapters 82.01, 82.03, and  
20 82.32 RCW, insofar as they are applicable, apply to local option fuel  
21 taxes imposed under this section.

22 (6) Before the effective date of the imposition of the fuel taxes  
23 under this section, a county shall contract with the department of  
24 revenue for the administration and collection of the taxes. The  
25 contract must provide that a percentage amount, not to exceed one  
26 percent of the taxes imposed under this section, will be deposited into  
27 the local tax administration account created in the custody of the  
28 state treasurer. The department of revenue may spend money from this  
29 account, upon appropriation, for the administration of the local taxes  
30 imposed under this section.

31 (7) The state treasurer shall distribute monthly to the levying  
32 county and cities contained therein the proceeds of the additional  
33 excise taxes collected under this section, after the deductions for  
34 payments and expenditures as provided in RCW 46.68.090(1) (a) and (b)  
35 and under the conditions and limitations provided in RCW 82.80.080.

36 (8) The proceeds of the additional excise taxes levied under this  
37 section shall be used strictly for transportation purposes in  
38 accordance with RCW 82.80.070.

1 (9) A county may not levy the tax under this section if they are  
2 levying the tax in RCW 82.80.110 or if they are a member of a regional  
3 transportation investment district or regional transportation  
4 commission levying the tax in RCW 82.80.120.

5 **Sec. 403.** RCW 82.80.030 and 2005 c 336 s 24 are each amended to  
6 read as follows:

7 (1) Subject to the conditions of this section, the legislative  
8 authority of a county, city, regional transportation commission created  
9 under section 301 of this act, or district may fix and impose a parking  
10 tax on all persons engaged in a commercial parking business within its  
11 respective jurisdiction. A city or county may impose the tax only to  
12 the extent that it has not been imposed by the district, and a district  
13 may impose the tax only to the extent that it has not been imposed by  
14 a city or county. The jurisdiction of a county, for purposes of this  
15 section, includes only the unincorporated area of the county. The  
16 jurisdiction of a city or district includes only the area within its  
17 boundaries.

18 (2) In lieu of the tax in subsection (1) of this section, a city,  
19 a county in its unincorporated area, a regional transportation  
20 commission, or a district may fix and impose a tax for the act or  
21 privilege of parking a motor vehicle in a facility operated by a  
22 commercial parking business.

23 The city, county, regional transportation commission, or district  
24 may provide that:

25 (a) The tax is paid by the operator or owner of the motor vehicle;

26 (b) The tax applies to all parking for which a fee is paid, whether  
27 paid or leased, including parking supplied with a lease of  
28 nonresidential space;

29 (c) The tax is collected by the operator of the facility and  
30 remitted to the city, county, regional transportation commission, or  
31 district;

32 (d) The tax is a fee per vehicle or is measured by the parking  
33 charge;

34 (e) The tax rate varies with zoning or location of the facility,  
35 the duration of the parking, the time of entry or exit, the type or use  
36 of the vehicle, or other reasonable factors; and

1 (f) Tax exempt carpools, vehicles with handicapped decals, or  
2 government vehicles are exempt from the tax.

3 (3) "Commercial parking business" as used in this section, means  
4 the ownership, lease, operation, or management of a commercial parking  
5 lot in which fees are charged. "Commercial parking lot" means a  
6 covered or uncovered area with stalls for the purpose of parking motor  
7 vehicles.

8 (4) The rate of the tax under subsection (1) of this section may be  
9 based either upon gross proceeds or the number of vehicle stalls  
10 available for commercial parking use. The rates charged must be  
11 uniform for the same class or type of commercial parking business.

12 (5) The county, city, regional transportation commission, or  
13 district levying the tax provided for in subsection (1) or (2) of this  
14 section may provide for its payment on a monthly, quarterly, or annual  
15 basis. Each local government may develop by ordinance or resolution  
16 rules for administering the tax, including provisions for reporting by  
17 commercial parking businesses, collection, and enforcement.

18 (6) The proceeds of the commercial parking tax fixed and imposed by  
19 a city or county under subsection (1) or (2) of this section shall be  
20 used for transportation purposes in accordance with RCW 82.80.070 or  
21 for transportation improvements in accordance with chapter 36.73 RCW.  
22 The proceeds of the parking tax imposed by a district must be used as  
23 provided in chapter 36.120 RCW. The proceeds of the parking tax  
24 imposed by a regional transportation commission must be used to  
25 implement a regional mobility investment plan described under section  
26 305 of this act.

27 **Sec. 404.** RCW 82.80.100 and 2002 c 56 s 408 are each amended to  
28 read as follows:

29 (1) Upon approval of a majority of the voters within its boundaries  
30 voting on the ballot proposition for a regional mobility investment  
31 plan or regional transportation investment district, a regional  
32 transportation commission or regional transportation investment  
33 district may set and impose an annual local option vehicle license fee,  
34 or a schedule of fees based upon the age of the vehicle, of up to one  
35 hundred dollars per motor vehicle registered within the boundaries of  
36 the ((region)) commission or district on every motor vehicle. As used  
37 in this section "motor vehicle" has the meaning provided in RCW

1 46.04.320, but does not include farm tractors or farm vehicles as  
2 defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway  
3 vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW  
4 46.10.010. Vehicles registered under chapter 46.87 RCW and the  
5 international registration plan are exempt from the annual local option  
6 vehicle license fee set forth in this section. The department of  
7 licensing shall administer and collect this fee on behalf of regional  
8 transportation commissions or regional transportation investment  
9 districts and remit this fee to the custody of the state treasurer for  
10 monthly distribution under RCW 82.80.080.

11 (2) The local option vehicle license fee applies only when renewing  
12 a vehicle registration, and is effective upon the registration renewal  
13 date as provided by the department of licensing.

14 (3) A regional transportation commission or regional transportation  
15 investment district imposing the local option vehicle license fee or  
16 initiating an exemption process shall enter into a contract with the  
17 department of licensing. The contract must contain provisions that  
18 fully recover the costs to the department of licensing for collection  
19 and administration of the fee.

20 (4) A regional transportation commission or regional transportation  
21 investment district imposing the local option fee shall delay the  
22 effective date of the local option vehicle license fee imposed by this  
23 section at least six months from the date of the final certification of  
24 the approval election to allow the department of licensing to implement  
25 the administration and collection of or exemption from the fee.

26 **Sec. 405.** RCW 82.80.110 and 2003 c 350 s 2 are each amended to  
27 read as follows:

28 (1) For purposes of this section:

29 (a) "Distributor" means every person who imports, refines,  
30 manufactures, produces, or compounds motor vehicle fuel and special  
31 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells  
32 or distributes the fuel into a county;

33 (b) "Person" has the same meaning as in RCW 82.04.030.

34 (2) For purposes of dedication to a regional transportation  
35 investment district plan under chapter 36.120 RCW, subject to the  
36 conditions of this section, a county may levy additional excise taxes  
37 equal to ten percent of the statewide motor vehicle fuel tax rate under

1 RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW  
2 82.36.010 and on each gallon of special fuel as defined in RCW  
3 82.38.020 sold within the boundaries of the county. The additional  
4 excise tax is subject to the approval of the county's legislative body  
5 and a majority of the registered voters of the county voting on the  
6 proposition at a general or special election. An election held under  
7 this section must be held not more than twelve months before the date  
8 on which the proposed tax is to be levied. The ballot setting forth  
9 the proposition must state that the revenues from the tax will be used  
10 for a regional transportation investment district plan. The county's  
11 authority to levy additional excise taxes under this section includes  
12 the incorporated and unincorporated areas of the county. Vehicles  
13 paying an annual license fee under RCW 82.38.075 are exempt from the  
14 county fuel excise tax. The additional excise taxes are subject to the  
15 same exceptions and rights of refund as applicable to other motor  
16 vehicle fuel and special fuel excise taxes levied under chapters 82.36  
17 and 82.38 RCW. The proposed tax may not be levied less than one month  
18 from the date the election results are certified by the county election  
19 officer. The commencement date for the levy of any tax under this  
20 section will be the first day of January, April, July, or October.

21 (3) The local option motor vehicle fuel tax on each gallon of motor  
22 vehicle fuel and on each gallon of special fuel is imposed upon the  
23 distributor of the fuel.

24 (4) A taxable event for the purposes of this section occurs upon  
25 the first distribution of the fuel within the boundaries of a county to  
26 a retail outlet, bulk fuel user, or ultimate user of the fuel.

27 (5) All administrative provisions in chapters 82.01, 82.03, and  
28 82.32 RCW, insofar as they are applicable, apply to local option fuel  
29 taxes imposed under this section.

30 (6) Before the effective date of the imposition of the fuel taxes  
31 under this section, a county shall contract with the department of  
32 revenue for the administration and collection of the taxes. The  
33 contract must provide that a percentage amount, not to exceed one  
34 percent of the taxes imposed under this section, will be deposited into  
35 the local tax administration account created in the custody of the  
36 state treasurer. The department of revenue may spend money from this  
37 account, upon appropriation, for the administration of the local taxes  
38 imposed under this section.

1 (7) The state treasurer shall distribute monthly to the county  
2 levying the tax as part of a regional transportation investment plan,  
3 after the deductions for payments and expenditures as provided in RCW  
4 46.68.090(1) (a) and (b).

5 (8) The proceeds of the additional taxes levied by a county in this  
6 section, to be used as a part of a regional transportation investment  
7 plan, must be used in accordance with chapter 36.120 RCW, but only for  
8 those areas that are considered "highway purposes" as that term is  
9 construed in Article II, section 40 of the state Constitution.

10 (9) A county may not levy the tax under this section if they are a  
11 member of a regional transportation investment district or regional  
12 transportation commission that is levying the tax in RCW 82.80.120 or  
13 the county is levying the tax in RCW 82.80.010.

14 **Sec. 406.** RCW 82.80.120 and 2006 c 311 s 18 are each amended to  
15 read as follows:

16 (1) For purposes of this section:

17 (a) "Distributor" means every person who imports, refines,  
18 manufactures, produces, or compounds motor vehicle fuel and special  
19 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells  
20 or distributes the fuel into a county;

21 (b) "Person" has the same meaning as in RCW 82.04.030;

22 (c) "District" means a regional transportation investment district  
23 under chapter 36.120 RCW;

24 (d) "Commission" means a regional transportation commission as  
25 defined in section 201 of this act.

26 (2) A commission under chapter 36.-- RCW (as created in section 805  
27 of this act) or regional transportation investment district under  
28 chapter 36.120 RCW, subject to the conditions of this section, may levy  
29 additional excise taxes equal to ten percent of the statewide motor  
30 vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor  
31 vehicle fuel as defined in RCW 82.36.010 and on each gallon of special  
32 fuel as defined in RCW 82.38.020 sold within the boundaries of the  
33 commission or district. The additional excise tax is subject to the  
34 approval of a majority of the voters within the commission or district  
35 boundaries. Vehicles paying an annual license fee under RCW 82.38.075  
36 are exempt from the commission or district's fuel excise tax. The  
37 additional excise taxes are subject to the same exceptions and rights

1 of refund as applicable to other motor vehicle fuel and special fuel  
2 excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed  
3 tax may not be levied less than one month from the date the election  
4 results are certified. The commencement date for the levy of any tax  
5 under this section will be the first day of January, April, July, or  
6 October.

7 (3) The local option motor vehicle fuel tax on each gallon of motor  
8 vehicle fuel and on each gallon of special fuel is imposed upon the  
9 distributor of the fuel.

10 (4) A taxable event for the purposes of this section occurs upon  
11 the first distribution of the fuel within the boundaries of the  
12 commission or district to a retail outlet, bulk fuel user, or ultimate  
13 user of the fuel.

14 (5) All administrative provisions in chapters 82.01, 82.03, and  
15 82.32 RCW, insofar as they are applicable, apply to local option fuel  
16 taxes imposed under this section.

17 (6) Before the effective date of the imposition of the fuel taxes  
18 under this section, a commission or district shall contract with the  
19 department of (~~licensing~~) revenue for the administration and  
20 collection of the taxes. The contract must provide that a percentage  
21 amount, not to exceed one percent of the taxes imposed under this  
22 section, will be deposited into the local tax administration account  
23 created in the custody of the state treasurer. The department of  
24 (~~licensing~~) revenue may spend money from this account, upon  
25 appropriation, for the administration of the local taxes imposed under  
26 this section.

27 (7) The state treasurer shall distribute monthly to the commission  
28 or district levying the tax as part of the regional mobility investment  
29 plan or regional transportation investment district plan, after the  
30 deductions for payments and expenditures as provided in RCW  
31 46.68.090(1) (a) and (b).

32 (8) The proceeds of the additional taxes levied by a commission or  
33 district in this section, to be used as a part of a regional mobility  
34 investment plan or regional transportation investment district plan,  
35 must be used in accordance with chapter 36.-- RCW (as created in  
36 section 805 of this act), or chapter 36.120 RCW, respectively, but only  
37 for those areas that are considered "highway purposes" as that term is  
38 construed in Article II, section 40 of the state Constitution.

1 (9) A district or commission may only levy the tax under this  
2 section if the district or commission is comprised of boundaries  
3 identical to the boundaries of a county or counties. A district or  
4 commission may not levy the tax in this section if a member county is  
5 levying the tax in RCW 82.80.010 or 82.80.110.

6 **Sec. 407.** RCW 81.100.030 and 2002 c 56 s 410 are each amended to  
7 read as follows:

8 (1) A county with a population of one million or more, or a county  
9 with a population of from two hundred ten thousand to less than one  
10 million that is adjoining a county with a population of one million or  
11 more, and having within its boundaries existing or planned  
12 high-occupancy vehicle lanes on the state highway system, a regional  
13 transportation commission, or a regional transportation investment  
14 district for capital improvements, (~~but only to the extent that the~~  
15 ~~tax has not already been imposed by the county,~~) may, with voter  
16 approval impose an excise tax of up to two dollars per employee per  
17 month on all employers or any class or classes of employers, public and  
18 private, including the state located in the agency's jurisdiction,  
19 measured by the number of full-time equivalent employees. In no event  
20 may the total taxes imposed under this section exceed two dollars per  
21 employee per month for any single employer. The county, regional  
22 transportation commission, or investment district imposing the tax  
23 authorized in this section may provide for exemptions from the tax to  
24 such educational, cultural, health, charitable, or religious  
25 organizations as it deems appropriate.

26 Counties, regional transportation commissions, or investment  
27 districts may contract with the state department of revenue or other  
28 appropriate entities for administration and collection of the tax.  
29 Such contract shall provide for deduction of an amount for  
30 administration and collection expenses.

31 (2) The tax shall not apply to employment of a person when the  
32 employer has paid for at least half of the cost of a transit pass  
33 issued by a transit agency for that employee, valid for the period for  
34 which the tax would otherwise be owed.

35 (3) A county, regional transportation commission, or investment  
36 district shall adopt rules that exempt from all or a portion of the tax  
37 any employer that has entered into an agreement with the county,

1 regional transportation commission, or investment district that is  
2 designed to reduce the proportion of employees who drive in single-  
3 occupant vehicles during peak commuting periods in proportion to the  
4 degree that the agreement is designed to meet the goals for the  
5 employer's location adopted under RCW 81.100.040.

6 The agreement shall include a list of specific actions that the  
7 employer will undertake to be entitled to the exemption. Employers  
8 having an exemption from all or part of the tax through this subsection  
9 shall annually certify to the county, regional transportation  
10 commission, or investment district that the employer is fulfilling the  
11 terms of the agreement. The exemption continues as long as the  
12 employer is in compliance with the agreement.

13 ~~((If the tax authorized in RCW 81.100.060 is also imposed, the  
14 total proceeds from both tax sources each year shall not exceed the  
15 maximum amount which could be collected under RCW 81.100.060.))~~

16 **Sec. 408.** RCW 81.100.060 and 2006 c 318 s 2 and 2006 c 311 s 15  
17 are each reenacted and amended to read as follows:

18 (1) A county with a population of one million or more and a county  
19 with a population of from two hundred ten thousand to less than one  
20 million that is adjoining a county with a population of one million or  
21 more, having within their boundaries existing or planned high-occupancy  
22 vehicle lanes on the state highway system, a regional transportation  
23 commission, or a regional transportation investment district, ~~((but~~  
24 ~~only to the extent that the surcharge has not already been imposed by~~  
25 ~~the county,))~~ may, with voter approval, impose a local surcharge of not  
26 more than three-tenths of one percent in the case of a county, or  
27 eight-tenths of one percent in the case of a regional transportation  
28 commission or regional transportation investment district, of the value  
29 on vehicles registered to a person residing within the county, regional  
30 transportation commission, or investment district and not more than  
31 13.64 percent on the state sales and use taxes paid under the rate in  
32 RCW 82.08.020(2) on retail car rentals within the county, regional  
33 transportation commission, or investment district. A county may impose  
34 the surcharge only to the extent that it has not been imposed by the  
35 regional transportation commission or investment district. No  
36 surcharge may be imposed on vehicles licensed under RCW 46.16.070

1 except vehicles with an unladen weight of six thousand pounds or less,  
2 RCW 46.16.079, 46.16.085, or 46.16.090.

3 (2) Counties, regional transportation commissions, or investment  
4 districts imposing a surcharge under this section shall contract,  
5 before the effective date of the resolution or ordinance imposing a  
6 surcharge, administration and collection to the state department of  
7 licensing, and department of revenue, as appropriate, which shall  
8 deduct a percentage amount, as provided by contract, not to exceed two  
9 percent of the taxes, for administration and collection expenses  
10 incurred by the department.

11 (3) All administrative provisions in chapters 82.03, 82.08, 82.12,  
12 and 82.32 RCW shall, insofar as they are applicable to state sales and  
13 use taxes, be applicable to surcharges imposed under this section.

14 (4) If a surcharge, authorized under this section, is first imposed  
15 before June 7, 2006, all administrative provisions in chapters 82.03,  
16 82.32, and 82.44 RCW shall, insofar as they are applicable to motor  
17 vehicle excise taxes, be applicable to such surcharges ((imposed under  
18 this section)). ((All administrative provisions in chapters 82.03,  
19 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to  
20 state sales and use taxes, be applicable to surcharges imposed under  
21 this section. A surcharge imposed under this section, or a change to  
22 the))

23 (5) If a surcharge, authorized under this section, is first imposed  
24 on or after June 7, 2006:

25 (a) Motor vehicles subject to such surcharge shall be administered  
26 in accordance with chapter 318, Laws of 2006; and

27 (b) The surcharge or a change to the surcharge shall take effect no  
28 sooner than seventy-five days after the department of licensing or the  
29 department of revenue receives notice of the surcharge or change to the  
30 surcharge, and shall take effect only on the first day of January,  
31 April, July, or October. Unless waived by the department of licensing  
32 or the department of revenue, notice includes providing the appropriate  
33 department with digital mapping and legal descriptions of areas in  
34 which the ((tax)) surcharge will be collected.

35 ~~((If the tax authorized in RCW 81.100.030 is also imposed, the~~  
36 ~~total proceeds from tax sources imposed under this section and RCW~~  
37 ~~81.100.030 each year shall not exceed the maximum amount which could be~~  
38 ~~collected under this section.))~~

1           **Sec. 409.** RCW 47.56.075 and 2002 c 56 s 404 are each amended to  
2 read as follows:

3           The department shall approve for construction only such toll roads  
4 as the legislature specifically authorizes or such toll facilities as  
5 are specifically sponsored by a regional transportation investment  
6 district, regional transportation commission, city, town, or county.

7           **Sec. 410.** RCW 82.32.470 and 2002 c 56 s 407 are each amended to  
8 read as follows:

9           (1) The tax imposed and collected under chapters 82.08 and 82.12  
10 RCW, less any credits allowed under chapter 82.14 RCW, on initial  
11 construction for a transportation project to be constructed under  
12 chapter 36.120 RCW, or for a mobility project of regional significance  
13 to be constructed under chapter 36.-- RCW (as created in section 805 of  
14 this act), must be transferred to the transportation project or the  
15 mobility project of regional significance to defray costs or pay debt  
16 service on that (~~transportation~~) project. In the case of a toll  
17 project, this transfer or credit must be used to lower the overall cost  
18 of the project and thereby the corresponding tolls.

19           (2) This transaction is exempt from the requirements in RCW  
20 43.135.035(4).

21           (3) Government entities constructing transportation projects under  
22 chapter 36.120 RCW, or mobility projects of regional significance under  
23 chapter 36.-- RCW (as created in section 805 of this act), shall report  
24 to the department the amount of state sales or use tax covered under  
25 this section.

26           **Sec. 411.** RCW 82.14.050 and 2005 c 336 s 20 are each amended to  
27 read as follows:

28           The counties, cities, and transportation authorities under RCW  
29 82.14.045, public facilities districts under chapters 36.100 and 35.57  
30 RCW, public transportation benefit areas under RCW 82.14.440, regional  
31 transportation commissions, regional transportation investment  
32 districts, and transportation benefit districts under chapter 36.73 RCW  
33 shall contract, prior to the effective date of a resolution or  
34 ordinance imposing a sales and use tax, the administration and  
35 collection to the state department of revenue, which shall deduct a  
36 percentage amount, as provided by contract, not to exceed two percent

1 of the taxes collected for administration and collection expenses  
2 incurred by the department. The remainder of any portion of any tax  
3 authorized by this chapter that is collected by the department of  
4 revenue shall be deposited by the state department of revenue in the  
5 local sales and use tax account hereby created in the state treasury.  
6 Moneys in the local sales and use tax account may be spent only for  
7 distribution to counties, cities, transportation authorities, public  
8 facilities districts, public transportation benefit areas, regional  
9 transportation commissions, regional transportation investment  
10 districts, and transportation benefit districts imposing a sales and  
11 use tax. All administrative provisions in chapters 82.03, 82.08,  
12 82.12, and 82.32 RCW, as they now exist or may hereafter be amended,  
13 shall, insofar as they are applicable to state sales and use taxes, be  
14 applicable to taxes imposed pursuant to this chapter. Counties,  
15 cities, transportation authorities, public facilities districts,  
16 regional transportation commissions, and regional transportation  
17 investment districts may not conduct independent sales or use tax  
18 audits of sellers registered under the streamlined sales tax agreement.  
19 Except as provided in RCW 43.08.190, all earnings of investments of  
20 balances in the local sales and use tax account shall be credited to  
21 the local sales and use tax account and distributed to the counties,  
22 cities, transportation authorities, public facilities districts, public  
23 transportation benefit areas, regional transportation commissions,  
24 regional transportation investment districts, and transportation  
25 benefit districts monthly.

26 **Sec. 412.** RCW 82.80.080 and 2002 c 56 s 414 are each amended to  
27 read as follows:

28 (1) The state treasurer shall distribute revenues, less authorized  
29 deductions, generated by the local option taxes authorized in RCW  
30 82.80.010 (~~and 82.80.020~~), levied by counties to the levying  
31 counties, and cities contained in those counties, based on the relative  
32 per capita population. County population for purposes of this section  
33 is equal to one and one-half of the unincorporated population of the  
34 county. In calculating the distributions, the state treasurer shall  
35 use the population estimates prepared by the state office of financial  
36 management and shall further calculate the distribution based on

1 information supplied by the departments of licensing and revenue, as  
2 appropriate.

3 (2) The state treasurer shall distribute revenues, less authorized  
4 deductions, generated by the local option taxes authorized in RCW  
5 82.80.010 (~~and 82.80.020~~) levied by qualifying cities and towns to  
6 the levying cities and towns.

7 (3) The state treasurer shall distribute to the district or  
8 regional transportation commission, as appropriate, revenues, less  
9 authorized deductions, generated by the local option taxes under RCW  
10 82.80.010 or fees under RCW 82.80.100 levied by a district or regional  
11 transportation commission.

12 **PART V**  
13 **AUTHORITY TO ISSUE BONDS**

14 NEW SECTION. **Sec. 501.** COMMISSION TO ISSUE GENERAL OBLIGATION  
15 BONDS. In addition to any other authority provided by law, and subject  
16 to applicable constitutional limitations, a regional transportation  
17 commission may issue general obligation bonds or other evidences of  
18 indebtedness for public transportation and mobility project capital  
19 purposes. However, the general indebtedness incurred under this  
20 section when considered together with all the other outstanding general  
21 indebtedness of the regional transportation commission shall not exceed  
22 one and one-half percent of taxable property within its boundaries  
23 without the approval of three-fifths of the voters therein voting at an  
24 election held for that purpose, and in cases requiring such approval,  
25 not exceeding a total of five percent of taxable property within its  
26 boundaries. The bonds shall be issued and sold in accordance with  
27 chapter 39.46 RCW, and may be in any form, including bearer bonds or  
28 registered bonds as provided in RCW 39.46.030. Under no circumstances  
29 will bonds issued under authority of this act be the obligation of the  
30 state.

31 Any regional transportation commission may pledge any portion of  
32 any taxes and any tolls, charges, or user taxes authorized to be levied  
33 or imposed by the commission for the payment or security of the  
34 principal of and interest on any bonds issued for authorized public  
35 transportation purposes.



1 Two or more contiguous counties each having a population of four  
2 hundred thousand persons or more may establish a regional transit  
3 authority to develop and operate a high capacity transportation system  
4 as defined in chapter 81.104 RCW.

5 The authority shall be formed in the following manner:

6 (1) The joint regional policy committee created pursuant to RCW  
7 81.104.040 shall adopt a system and financing plan, including the  
8 definition of the service area. This action shall be completed by  
9 September 1, 1992, contingent upon satisfactory completion of the  
10 planning process defined in RCW 81.104.100. The final system plan  
11 shall be adopted no later than June 30, 1993. In addition to the  
12 requirements of RCW 81.104.100, the plan for the proposed system shall  
13 provide explicitly for a minimum portion of new tax revenues to be  
14 allocated to local transit agencies for interim express services. Upon  
15 adoption the joint regional policy committee shall immediately transmit  
16 the plan to the county legislative authorities within the adopted  
17 service area.

18 (2) The legislative authorities of the counties within the service  
19 area shall decide by resolution whether to participate in the  
20 authority. This action shall be completed within forty-five days  
21 following receipt of the adopted plan or by August 13, 1993, whichever  
22 comes first.

23 (3) Each county that chooses to participate in the authority shall  
24 appoint its board members as set forth in RCW 81.112.040 and shall  
25 submit its list of members to the secretary of the Washington state  
26 department of transportation. These actions must be completed within  
27 thirty days following each county's decision to participate in the  
28 authority.

29 (4) The secretary shall call the first meeting of the authority, to  
30 be held within thirty days following receipt of the appointments. At  
31 its first meeting, the authority shall elect officers and provide for  
32 the adoption of rules and other operating procedures.

33 (5) The authority is formally constituted at its first meeting and  
34 the board shall begin taking steps toward implementation of the system  
35 and financing plan adopted by the joint regional policy committee. If  
36 the joint regional policy committee fails to adopt a plan by June 30,  
37 1993, the authority shall proceed to do so based on the work completed  
38 by that date by the joint regional policy committee. Upon formation of

1 the authority, the joint regional policy committee shall cease to  
2 exist. The authority may make minor modifications to the plan as  
3 deemed necessary and shall at a minimum review local transit agencies'  
4 plans to ensure feeder service/high capacity transit service  
5 integration, ensure fare integration, and ensure avoidance of parallel  
6 competitive services. The authority shall also conduct a minimum  
7 thirty-day public comment period.

8 (6) If the authority determines that major modifications to the  
9 plan are necessary before the initial ballot proposition is submitted  
10 to the voters, the authority may make those modifications with a  
11 favorable vote of two-thirds of the entire membership. Any such  
12 modification shall be subject to the review process set forth in RCW  
13 81.104.110. The modified plan shall be transmitted to the legislative  
14 authorities of the participating counties. The legislative authorities  
15 shall have forty-five days following receipt to act by motion or  
16 ordinance to confirm or rescind their continued participation in the  
17 authority.

18 (7) If any county opts to not participate in the authority, but two  
19 or more contiguous counties do choose to continue to participate, the  
20 authority's board shall be revised accordingly. The authority shall,  
21 within forty-five days, redefine the system and financing plan to  
22 reflect elimination of one or more counties, and submit the redefined  
23 plan to the legislative authorities of the remaining counties for their  
24 decision as to whether to continue to participate. This action shall  
25 be completed within forty-five days following receipt of the redefined  
26 plan.

27 (8) The authority shall place on the ballot within two years of the  
28 authority's formation, a single ballot proposition to authorize the  
29 imposition of taxes to support the implementation of an appropriate  
30 phase of the plan within its service area. In addition to the system  
31 plan requirements contained in RCW 81.104.100(2)(d), the system plan  
32 approved by the authority's board before the submittal of a proposition  
33 to the voters shall contain an equity element which:

34 (a) Identifies revenues anticipated to be generated by corridor and  
35 by county within the authority's boundaries;

36 (b) Identifies the phasing of construction and operation of high  
37 capacity system facilities, services, and benefits in each corridor.

1 Phasing decisions should give priority to jurisdictions which have  
2 adopted transit-supportive land use plans; and

3 (c) Identifies the degree to which revenues generated within each  
4 county will benefit the residents of that county, and identifies when  
5 such benefits will accrue.

6 A simple majority of those voting within the boundaries of the  
7 authority is required for approval. If the vote is affirmative, the  
8 authority shall begin implementation of the projects identified in the  
9 proposition. However, the authority may not submit any authorizing  
10 proposition for voter-approved taxes prior to July 1, 1993; nor may the  
11 authority issue bonds or form any local improvement district prior to  
12 July 1, 1993.

13 (9) If the vote on a proposition fails, the board may redefine the  
14 proposition, make changes to the authority boundaries, and make  
15 corresponding changes to the composition of the board. If the  
16 composition of the board is changed, the participating counties shall  
17 revise the membership of the board accordingly. The board may then  
18 submit the revised proposition or a different proposition to the  
19 voters. No single proposition may be submitted to the voters more than  
20 twice. Beginning no sooner than the 2007 general election, the  
21 authority may place additional propositions on the ballot to impose  
22 taxes to support additional phases of plan implementation.

23 (10) In conjunction with RCW 36.120.070, at the 2007 general  
24 election the authority shall submit a proposition to support additional  
25 implementation phases of the authority's system and financing plan on  
26 the same ballot along with a regional transportation investment plan  
27 developed under chapter 36.120 RCW. The proposition shall not be  
28 considered approved unless voters also approve the regional  
29 transportation investment plan.

30 (11) A regional transit authority shall submit additional phases of  
31 plan implementation (~~(may include a transportation subarea equity~~  
32 ~~element which (a) identifies the combined authority and regional~~  
33 ~~transportation investment district revenues anticipated to be generated~~  
34 ~~by corridor and by county within the authority's boundaries, and (b)~~  
35 ~~identifies the degree to which the combined authority and regional~~  
36 ~~transportation investment district revenues generated within each~~  
37 ~~county will benefit the residents of that county, and identifies when~~  
38 ~~such benefits will accrue. For purposes of the transportation subarea~~

1 ~~equity principle established under this subsection, the authority may~~  
2 ~~use the five subareas within the authority's boundaries as identified~~  
3 ~~in the authority's system plan adopted in May 1996))~~ to the regional  
4 transportation commission, if fully constituted and authorized to  
5 exercise its powers as prescribed in section 301(2) of this act within  
6 the authority's geographic area, for inclusion in the regional mobility  
7 investment plan for voter approval under section 305(2) of this act.

8 (12) If the authority is unable to achieve a positive vote on a  
9 proposition within two years from the date of the first election on a  
10 proposition, the board may, by resolution, reconstitute the authority  
11 as a single-county body. With a two-thirds vote of the entire  
12 membership of the voting members, the board may also dissolve the  
13 authority.

14 **PART VIII**  
15 **MISCELLANEOUS**

16 NEW SECTION. **Sec. 801.** The following acts or parts of acts, as  
17 now existing or hereafter amended, are each repealed, effective January  
18 1, 2008, only if a regional transportation investment district has not  
19 been formed under chapter 36.120 RCW by January 1, 2008, or effective  
20 January 1, 2009, if a regional transportation investment district has  
21 been formed by January 1, 2008:

- 22 (1) RCW 36.120.010 (Findings) and 2002 c 56 s 101;  
23 (2) RCW 36.120.020 (Definitions) and 2006 c 334 s 13, 2006 c 311 s  
24 4, & 2002 c 56 s 102;  
25 (3) RCW 36.120.030 (Planning committee--Formation) and 2006 c 311  
26 s 5 & 2002 c 56 s 103;  
27 (4) RCW 36.120.040 (Planning committee--Duties) and 2006 c 311 s 6,  
28 2003 c 194 s 1, & 2002 c 56 s 104;  
29 (5) RCW 36.120.045 (Planning committee--State route No. 520  
30 improvements) and 2006 c 311 s 7;  
31 (6) RCW 36.120.050 (Planning committee--Taxes, fees, and tolls) and  
32 2006 c 311 s 13, 2003 c 350 s 4, & 2002 c 56 s 105;  
33 (7) RCW 36.120.060 (Project selection--Performance criteria) and  
34 2002 c 56 s 106;  
35 (8) RCW 36.120.070 (Submission of ballot measures to the voters)  
36 and 2006 c 311 s 8 & 2002 c 56 s 107;

- 1 (9) RCW 36.120.080 (Formation--Certification) and 2006 c 311 s 10  
2 & 2002 c 56 s 108;
- 3 (10) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s  
4 109;
- 5 (11) RCW 36.120.100 (Governing board--Organization) and 2002 c 56  
6 s 110;
- 7 (12) RCW 36.120.110 (Governing board--Powers and duties--Intent)  
8 and 2006 c 311 s 11 & 2002 c 56 s 111;
- 9 (13) RCW 36.120.120 (Treasurer) and 2002 c 56 s 112;
- 10 (14) RCW 36.120.130 (Indebtedness--Bonds--Limitation) and 2003 c  
11 372 s 1 & 2002 c 56 s 113;
- 12 (15) RCW 36.120.140 (Transportation project or plan modification--  
13 Accountability) and 2003 c 194 s 2 & 2002 c 56 s 114;
- 14 (16) RCW 36.120.150 (Department of transportation--Role) and 2002  
15 c 56 s 115;
- 16 (17) RCW 36.120.160 (Ownership of improvements) and 2002 c 56 s  
17 116;
- 18 (18) RCW 36.120.170 (Dissolution of district) and 2002 c 56 s 117;
- 19 (19) RCW 36.120.180 (Findings--Regional models--Grants) and 2002 c  
20 56 s 118;
- 21 (20) RCW 36.120.190 (Joint ballot measure) and 2002 c 56 s 201;
- 22 (21) RCW 36.120.200 (Regional transportation investment district  
23 account) and 2002 c 56 s 401;
- 24 (22) RCW 36.120.210 (Advisory ballot for Alaskan Way viaduct  
25 improvements--Preferred alternative for Alaskan Way viaduct and Seattle  
26 Seawall improvements) and 2006 c 311 s 29;
- 27 (23) RCW 36.120.900 (Captions and subheadings not law--2002 c 56)  
28 and 2002 c 56 s 501; and
- 29 (24) RCW 36.120.901 (Severability--2002 c 56) and 2002 c 56 s 503.

30 NEW SECTION. **Sec. 802.** RCW 82.44.135 (Local government must  
31 contract with department of licensing) and 2006 c 318 s 9 are each  
32 repealed.

33 NEW SECTION. **Sec. 803.** APPLICABILITY OF PUBLIC LAWS. A regional  
34 transportation commission, its officers, and the governing body of  
35 commissioners, created under this act, are subject to the general laws

1 regulating local governments and local governmental officials  
2 including, but not limited to, applicable requirements under chapters  
3 42.17, 42.23, 42.30, 42.41, and 43.09 RCW.

4 NEW SECTION. **Sec. 804.** Part headings and captions used in this  
5 act are not any part of the law.

6 NEW SECTION. **Sec. 805.** Sections 101, 201, 301 through 310, 501,  
7 502, and 601 of this act constitute a new chapter in Title 36 RCW.

8 NEW SECTION. **Sec. 806.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 807.** This act shall be liberally construed to  
13 effect the policies and purposes of this act.

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